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# SENATE BILL No. 110

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-5-2-22; IC 3-8-1-21; IC 3-10; IC 3-11-2-12; IC 13-11-2-74; IC 35-51-36-1; IC 36-1; IC 36-1.5-4; IC 36-2; IC 36-5-1-20; IC 36-9-13-2; IC 36-9-27-5.

**Synopsis:** Local government issues. Provides that in counties other than Marion County, the county executive may adopt an ordinance to change the executive and legislative structure of county government. Provides that such an ordinance to change the structure of county government may be adopted only during an odd-numbered year or before July 1 of an even-numbered year. Specifies that if the ordinance is adopted by a unanimous vote of the entire membership of the county executive, the voters of the county shall not elect a board of county commissioners, but shall instead elect a single county commissioner to serve as the county executive and shall elect a county council that has the legislative and fiscal powers and duties of the county. Specifies that if the ordinance is adopted by less than a unanimous vote of the entire membership of the county executive, a public question shall be held in the county on whether the executive and legislative structure of county government should be changed. Specifies that at least 2% of the voters of a county (other than Marion County) may file a petition with the county auditor to place on the ballot in the county a public question on whether the executive and legislative structure of county government should be changed. Provides that if the public question is approved after it is placed on the ballot either after adoption of an ordinance by less than a unanimous vote of the entire membership of the county executive or after a petition is submitted by the voters, the voters of the county shall not elect a board of county commissioners, but shall instead elect a single county commissioner to serve as the county executive and shall elect a county council that has the legislative and fiscal powers and duties of the county. Provides that in a county with  
(Continued next page)

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**Effective:** Upon passage; July 1, 2012.

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## Holdman

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January 4, 2012, read first time and referred to Committee on Local Government.



a single county commissioner: (1) the initial single county commissioner is elected in the second general election after the ordinance or (if required) the public question to change the structure of county government is approved; (2) the board of county commissioners is abolished when the first single county commissioner takes office; and (3) the county council shall (except in Lake County or St. Joseph County) be elected from seven single-member districts. Provides that a person is not eligible to serve as the single county commissioner more than eight years in any 12 year period. Provides that if the office of single county commissioner becomes vacant, the county council shall appoint an individual to serve as interim single county commissioner until the office is filled. Provides that in a county that has abolished the board of county commissioners and has elected a single county commissioner, the county council may adopt an ordinance changing the county government structure back to a structure that includes the election of a board of county commissioners (instead of a single county commissioner). Provides that if the ordinance is adopted unanimously, the county government structure is changed back to a structure that includes the election of a board of county commissioners. Provides that if the ordinance is adopted by less than a unanimous vote or if 2% of the voters of the county file a petition, a public question shall be held to determine whether the county government structure shall be changed back to a structure that includes the election of a board of county commissioners. Requires an individual elected as the single county commissioner to complete certain training courses. Provides that an individual who is an incumbent single county commissioner may not be a candidate for that office if the individual has not completed the training courses within the required time. Provides that in the case of a proposed governmental reorganization that is on the ballot after June 30, 2012, under the government modernization statutes, and that involves a county and a municipality, the proposed reorganization is approved if: (1) a majority of the voters in the county voting on the public question (on a countywide basis) vote in favor of the proposed reorganization; and (2) in the case of a vote being conducted with a "rejection threshold", a majority of the voters of the county (excluding the voters of the reorganizing municipalities) voting on the public question vote in favor of the proposed reorganization and a majority of the voters of each reorganizing municipality voting on the public question also vote in favor of the proposed reorganization. (Under current law governing reorganizations involving a county and a municipality: (1) the percentage of the countywide vote that must approve the proposed reorganization may be set at a higher percentage than a majority vote; and (2) if the vote is being conducted with a rejection threshold, the threshold for approval by county voters (excluding voters in the reorganizing municipalities) and for approval by voters of the reorganizing municipalities may also be set at a higher percentage than a majority vote.) Changes population parameters to reflect the population count determined under the 2010 decennial census.

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Introduced

Second Regular Session 117th General Assembly (2012)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

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# SENATE BILL No. 110

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 3-5-2-22 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE UPON PASSAGE]: Sec. 22. "Executive" means **the:**  
3 (1) board of county commissioners, for a county ~~not having that:~~  
4 (A) **does not have** a consolidated city; **and**  
5 (B) **is not subject to IC 36-2-2.5;**  
6 (2) **single county commissioner elected under IC 3-10-2-13, for**  
7 **a county that:**  
8 (A) **does not have a consolidated city; and**  
9 (B) **is subject to IC 36-2-2.5;**  
10 (↔) (3) mayor of the consolidated city, for a county having a  
11 consolidated city;  
12 (↔) (4) mayor, for a city;  
13 (↔) (5) president of the town council, for a town; or  
14 (↔) (6) trustee, for a township.  
15 SECTION 2. IC 3-8-1-21 IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) A candidate for the  
2 office of county commissioner must:

- 3 (1) have resided in the county for at least one (1) year before the
- 4 election, as provided in Article 6, Section 4 of the Constitution of
- 5 the State of Indiana; and
- 6 (2) have resided in the district in which seeking election, if
- 7 applicable, for at least six (6) months before the election.

8 **(b) This subsection applies only to elections in a county in which**  
9 **a single county commissioner under IC 36-2-2.5 is elected under**  
10 **IC 3-10-2-13. A candidate for the office of single county**  
11 **commissioner must have resided in the county for at least one (1)**  
12 **year before the election, as provided in Article 6, Section 4 of the**  
13 **Constitution of the State of Indiana.**

14 **(c) This subsection applies only to elections in a county in which**  
15 **a county commissioner under IC 36-2-2.5 is elected under**  
16 **IC 3-10-2-13. An individual may not be a candidate for the office**  
17 **of county commissioner if:**

- 18 **(1) the individual is serving as the county commissioner under**
- 19 **IC 36-2-2.5; and**
- 20 **(2) the individual has not completed the training courses**
- 21 **under IC 36-2-2.5-23 before the deadlines specified in that**
- 22 **section.**

23 SECTION 3. IC 3-10-1-19, AS AMENDED BY P.L.179-2011,  
24 SECTION 6, AS AMENDED BY P.L.190-2011, SECTION 1, AND  
25 AS AMENDED BY P.L.201-2011, SECTION 3, IS CORRECTED  
26 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
27 PASSAGE]: Sec. 19. (a) The ballot for a primary election shall be  
28 printed in substantially the following form for all the offices for which  
29 candidates have qualified under IC 3-8:

30 OFFICIAL PRIMARY BALLOT

31 \_\_\_\_\_ Party

32 For paper ballots, print: To vote for a person, make a voting mark  
33 (X or ✓) on or in the box before the person's name in the proper  
34 column. For optical scan ballots, print: To vote for a person, darken or  
35 shade in the circle, oval, or square (or draw a line to connect the arrow)  
36 that precedes the person's name in the proper column. For optical scan  
37 ballots that do not contain a candidate's name, print: To vote for a  
38 person, darken or shade in the oval that precedes the number assigned  
39 to the person's name in the proper column. For electronic voting  
40 systems, print: To vote for a person, touch the screen (or press the  
41 button) in the location indicated.

42 Vote for one (1) only

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Representative in Congress

- (1) AB \_\_\_\_\_
- (2) CD \_\_\_\_\_
- (3) EF \_\_\_\_\_
- (4) GH \_\_\_\_\_

*(b) Local public questions shall be placed on the primary election ballot after the voting instructions described in subsection (a) and before the offices described in subsection (e).*

*(c) The local public questions described in subsection (b) shall be placed:*

- (1) in a separate column on the ballot if voting is by paper ballot;*
- (2) after the voting instructions described in subsection (a) and before the offices described in subsection (e), in the form specified in IC 3-11-13-11 if voting is by ballot card; or*
- (3) as provided by either of the following if voting is by an electronic voting system:*

- (A) On a separate screen for a public question.*
- (B) After the voting instructions described in subsection (a) and before the offices described in subsection (e), in the form specified in IC 3-11-14-3.5.*

*(d) A public question shall be placed on the primary election ballot in the following form:*

*(The explanatory text for the public question,  
if required by law.)  
"Shall (insert public question)?"*

- YES
- NO

~~(e)~~ *(e) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:*

- (1) Federal and state offices:*
  - (A) President of the United States.*
  - (B) United States Senator.*
  - (C) Governor.*
  - (D) United States Representative.*
- (2) Legislative offices:*
  - (A) State senator.*
  - (B) State representative.*
- (3) Circuit offices and county judicial offices:*
  - (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.*
  - (B) Judge of the superior court, and unless otherwise specified*

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- 1 under IC 33, with each division separate if there is more than  
 2 one (1) judge of the superior court.  
 3 (C) Judge of the probate court.  
 4 ~~(D) Judge of the county court, with each division separate, as~~  
 5 ~~required by IC 33-30-3-3.~~  
 6 ~~(E) (D) Prosecuting attorney.~~  
 7 ~~(F) (E) Circuit court clerk.~~  
 8 (4) County offices:  
 9 (A) County auditor.  
 10 (B) County recorder.  
 11 (C) County treasurer.  
 12 (D) County sheriff.  
 13 (E) County coroner.  
 14 (F) County surveyor.  
 15 (G) County assessor.  
 16 (H) County commissioner. **However, in a county that is**  
 17 **subject to IC 36-2-2.5 only one (1) county commissioner**  
 18 **shall be elected.**  
 19 (I) County council member.  
 20 (5) Township offices:  
 21 (A) Township assessor (only in a township referred to in  
 22 IC 36-6-5-1(d)).  
 23 (B) Township trustee.  
 24 (C) Township board member.  
 25 (D) Judge of the small claims court.  
 26 (E) Constable of the small claims court.  
 27 (6) City offices:  
 28 (A) Mayor.  
 29 (B) Clerk or clerk-treasurer.  
 30 (C) Judge of the city court.  
 31 (D) City-county council member or common council member.  
 32 (7) Town offices:  
 33 (A) Clerk-treasurer.  
 34 (B) Judge of the town court.  
 35 (C) Town council member.  
 36 ~~(e) (f)~~ The political party offices with candidates for election shall  
 37 be placed on the primary election ballot in the following order after the  
 38 offices described in subsection ~~(b)~~ (e):  
 39 (1) Precinct committeeman.  
 40 (2) State convention delegate.  
 41 ~~(d)~~ (g) The following local offices to be elected at the primary  
 42 election and public questions shall be placed on the primary election

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1 ballot in the following order after the offices described in subsection  
2 ~~(e)~~: (f).

3 ~~(1) School board offices to be elected at the primary election.~~

4 ~~(2) Other (1) Local offices to be elected at the primary election.~~

5 ~~(3) (2) Local public questions.~~

6 ~~(e)~~ (h) The offices *and public questions* described in subsection ~~(d)~~  
7 (g) shall be placed:

8 (1) in a separate column on the ballot if voting is by paper ballot;

9 (2) after the offices described in subsection ~~(e)~~ (f) in the form  
10 specified in IC 3-11-13-11 if voting is by ballot card; or

11 (3) either:

12 (A) on a separate screen for each office or public question; or

13 (B) after the offices described in subsection ~~(e)~~ (f) in the form  
14 specified in IC 3-11-14-3.5;

15 if voting is by an electronic voting system.

16 ~~(f)~~ A public question shall be placed on the primary election ballot  
17 in the following form:

18 ~~(The explanatory text for the public question,  
19 if required by law.)~~

20 "Shall (insert public question)?"

21 ~~ff~~ YES

22 ~~ff~~ NO

23 SECTION 4. IC 3-10-2-13, AS AMENDED BY P.L.146-2008,  
24 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 UPON PASSAGE]: Sec. 13. The following public officials shall be  
26 elected at the general election before their terms of office expire and  
27 every four (4) years thereafter:

28 (1) Clerk of the circuit court.

29 (2) County auditor.

30 (3) County recorder.

31 (4) County treasurer.

32 (5) County sheriff.

33 (6) County coroner.

34 (7) County surveyor.

35 (8) County assessor.

36 (9) County commissioner. **However, in a county that is subject  
37 to IC 36-2-2.5 only one (1) county commissioner shall be  
38 elected.**

39 (10) County council member.

40 (11) Township trustee.

41 (12) Township board member.

42 (13) Township assessor (only in a township referred to in

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- 1 IC 36-6-5-1(d)).
- 2 (14) Judge of a small claims court.
- 3 (15) Constable of a small claims court.
- 4 SECTION 5. IC 3-11-2-12, AS AMENDED BY P.L.190-2011,  
5 SECTION 5, AND AS AMENDED BY P.L.201-2011, SECTION 5, IS  
6 CORRECTED AND AMENDED TO READ AS FOLLOWS  
7 [EFFECTIVE UPON PASSAGE]: Sec. 12. The following offices shall  
8 be placed on the general election ballot in the following order *after the*  
9 *public questions described in section 10(a) of this chapter:*
- 10 (1) Federal and state offices:
- 11 (A) President and Vice President of the United States.
- 12 (B) United States Senator.
- 13 (C) Governor and lieutenant governor.
- 14 (D) Secretary of state.
- 15 (E) Auditor of state.
- 16 (F) Treasurer of state.
- 17 (G) Attorney general.
- 18 (H) Superintendent of public instruction.
- 19 (I) United States Representative.
- 20 (2) Legislative offices:
- 21 (A) State senator.
- 22 (B) State representative.
- 23 (3) Circuit offices and county judicial offices:
- 24 (A) Judge of the circuit court, and unless otherwise specified
- 25 under IC 33, with each division separate if there is more than
- 26 one (1) judge of the circuit court.
- 27 (B) Judge of the superior court, and unless otherwise specified
- 28 under IC 33, with each division separate if there is more than
- 29 one (1) judge of the superior court.
- 30 (C) Judge of the probate court.
- 31 ~~(D) Judge of the county court, with each division separate, as~~
- 32 ~~required by IC 33-30-3-3.~~
- 33 ~~(D)~~ (D) Prosecuting attorney.
- 34 ~~(E)~~ (E) Clerk of the circuit court.
- 35 (4) County offices:
- 36 (A) County auditor.
- 37 (B) County recorder.
- 38 (C) County treasurer.
- 39 (D) County sheriff.
- 40 (E) County coroner.
- 41 (F) County surveyor.
- 42 (G) County assessor.

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- 1 (H) County commissioner. **However, in a county that is**  
 2 **subject to IC 36-2-2.5 only one (1) county commissioner**  
 3 **shall be elected.**  
 4 (I) County council member.  
 5 (5) Township offices:  
 6 (A) Township assessor (only in a township referred to in  
 7 IC 36-6-5-1(d)).  
 8 (B) Township trustee.  
 9 (C) Township board member.  
 10 (D) Judge of the small claims court.  
 11 (E) Constable of the small claims court.  
 12 (6) City offices:  
 13 (A) Mayor.  
 14 (B) Clerk or clerk-treasurer.  
 15 (C) Judge of the city court.  
 16 (D) City-county council member or common council member.  
 17 (7) Town offices:  
 18 (A) Clerk-treasurer.  
 19 (B) Judge of the town court.  
 20 (C) Town council member.

21 SECTION 6. IC 13-11-2-74 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 74. "Executive"  
 23 means the:

- 24 (1) board of commissioners of a county ~~not having that:~~  
 25 (A) **does not have** a consolidated city; **and**  
 26 (B) **is not subject to IC 36-2-2.5;**  
 27 (2) **single county commissioner elected under IC 3-10-2-13, for**  
 28 **a county that:**  
 29 (A) **does not have a consolidated city; and**  
 30 (B) **is subject to IC 36-2-2.5;**  
 31 ~~(2)~~ (3) mayor of the consolidated city, for a county having a  
 32 consolidated city;  
 33 ~~(3)~~ (4) mayor of a city; or  
 34 ~~(4)~~ (5) president of the town council of a town.

35 SECTION 7. IC 35-51-36-1, AS ADDED BY P.L.70-2011,  
 36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 UPON PASSAGE]: Sec. 1. The following statutes define crimes in  
 38 IC 36:

- 39 IC 36-2-2-13 (Concerning county government).  
 40 **IC 36-2-2.5-15 (Concerning single county commissioners).**  
 41 IC 36-2-6-8 (Concerning county government).  
 42 IC 36-2-6-12 (Concerning county government).



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- 1 IC 36-2-7-18 (Concerning county government).  
 2 IC 36-2-8-6 (Concerning county government).  
 3 IC 36-2-9-13 (Concerning county government).  
 4 IC 36-2-9-14 (Concerning county government).  
 5 IC 36-2-9.5-7 (Concerning county government).  
 6 IC 36-2-9.5-9 (Concerning county government).  
 7 IC 36-2-13-5 (Concerning county government).  
 8 IC 36-2-14-10 (Concerning county government).  
 9 IC 36-2-14-17 (Concerning county government).  
 10 IC 36-2-14-21 (Concerning county government).  
 11 IC 36-4-8-13 (Concerning government of cities and towns).  
 12 IC 36-7-12-27.5 (Concerning planning and development).  
 13 IC 36-7-14-40 (Concerning planning and development).  
 14 IC 36-7-15.1-27 (Concerning planning and development).  
 15 IC 36-7-30-28 (Concerning planning and development).  
 16 IC 36-7-30.5-36 (Concerning planning and development).  
 17 IC 36-8-3.5-23 (Concerning public safety).  
 18 IC 36-8-10-9 (Concerning public safety).  
 19 IC 36-8-16-16 (Concerning public safety).  
 20 IC 36-8-16.5-47 (Concerning public safety).  
 21 IC 36-8-16.5-48 (Concerning public safety).  
 22 IC 36-8-16.5-49 (Concerning public safety).  
 23 IC 36-9-14-7 (Concerning transportation and public works).  
 24 IC 36-10-3-39 (Concerning recreation, culture, and community  
 25 facilities).  
 26 IC 36-10-4-5 (Concerning recreation, culture, and community  
 27 facilities).  
 28 IC 36-10-4-40 (Concerning recreation, culture, and community  
 29 facilities).  
 30 SECTION 8. IC 36-1-2-5 IS AMENDED TO READ AS FOLLOWS  
 31 [EFFECTIVE UPON PASSAGE]: Sec. 5. "Executive" means **the**:  
 32 (1) board of commissioners, for a county ~~not having that~~:  
 33 (A) **does not have** a consolidated city; **and**  
 34 (B) **is not subject to IC 36-2-2.5;**  
 35 (2) **single county commissioner elected under IC 3-10-2-13, for**  
 36 **a county that**:  
 37 (A) **does not have a consolidated city; and**  
 38 (B) **is subject to IC 36-2-2.5;**  
 39 (2) (3) mayor of the consolidated city, for a county having a  
 40 consolidated city;  
 41 (3) (4) mayor, for a city;  
 42 (4) (5) president of the town council, for a town;

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1           ~~(5)~~ (6) trustee, for a township;  
2           ~~(6)~~ (7) superintendent, for a school corporation; or  
3           ~~(7)~~ (8) chief executive officer, for any other political subdivision.  
4           SECTION 9. IC 36-1-2-9, AS AMENDED BY P.L.186-2006,  
5           SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6           UPON PASSAGE]: Sec. 9. "Legislative body" means the:  
7           (1) board of county commissioners, for a county not subject to  
8           **IC 36-2-2.5**, IC 36-2-3.5, or IC 36-3-1;  
9           (2) county council, for a county subject to **IC 36-2-2.5** or  
10           IC 36-2-3.5;  
11           (3) city-county council, for a consolidated city or county having  
12           a consolidated city;  
13           (4) common council, for a city other than a consolidated city;  
14           (5) town council, for a town;  
15           (6) township board, for a township;  
16           (7) governing body of any other political subdivision that has a  
17           governing body; or  
18           (8) chief executive officer of any other political subdivision that  
19           does not have a governing body.  
20           SECTION 10. IC 36-1-3-6 IS AMENDED TO READ AS  
21           FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) If there is a  
22           constitutional or statutory provision requiring a specific manner for  
23           exercising a power, a unit wanting to exercise the power must do so in  
24           that manner.  
25           (b) If there is no constitutional or statutory provision requiring a  
26           specific manner for exercising a power, a unit wanting to exercise the  
27           power must either:  
28           (1) if the unit is a county or municipality, adopt an ordinance  
29           prescribing a specific manner for exercising the power;  
30           (2) if the unit is a township, adopt a resolution prescribing a  
31           specific manner for exercising the power; or  
32           (3) comply with a statutory provision permitting a specific manner  
33           for exercising the power.  
34           (c) An ordinance under subsection (b)(1) must be adopted as  
35           follows:  
36           (1) In a municipality, by the legislative body of the municipality.  
37           (2) In a county subject to **IC 36-2-2.5**, IC 36-2-3.5, or IC 36-3-1,  
38           by the legislative body of the county.  
39           (3) In any other county, by the executive of the county.  
40           (d) A resolution under subsection (b)(2) must be adopted by the  
41           legislative body of the township.  
42           SECTION 11. IC 36-1.5-4-18, AS AMENDED BY P.L.113-2010,

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1 SECTION 110, IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2012]: Sec. 18. (a) A reorganization committee  
 3 shall prepare a comprehensive plan of reorganization for the  
 4 reorganizing political subdivisions. The plan of reorganization governs  
 5 the actions, duties, and powers of the reorganized political subdivision  
 6 that are not specified by law.

7 (b) The plan of reorganization must include at least the following:

8 (1) The name and a description of the reorganized political  
 9 subdivision that will succeed the reorganizing political  
 10 subdivisions.

11 (2) A description of the boundaries of the reorganized political  
 12 subdivision.

13 (3) Subject to section 40 of this chapter, a description of the  
 14 taxing areas in which taxes to retire obligations of the  
 15 reorganizing political subdivisions will be imposed.

16 (4) A description of the membership of the legislative body, fiscal  
 17 body, and executive of the reorganized political subdivision, a  
 18 description of the election districts or appointment districts from  
 19 which officers will be elected or appointed, and the manner in  
 20 which the membership of each elected or appointed office will be  
 21 elected or appointed.

22 (5) A description of the services to be offered by the reorganized  
 23 political subdivision and the service areas in which the services  
 24 will be offered.

25 (6) The disposition of the personnel, the agreements, the assets,  
 26 and, subject to section 40 of this chapter, the liabilities of the  
 27 reorganizing political subdivisions, including the terms and  
 28 conditions upon which the transfer of property and personnel will  
 29 be achieved.

30 (7) Any other matter that the:

31 (A) reorganization committee determines to be necessary or  
 32 appropriate; or

33 (B) legislative bodies of the reorganizing political subdivisions  
 34 require the reorganization committee;

35 to include in the plan of reorganization.

36 ~~(8) In the case of a reorganization described in section 1(a)(9) of~~  
 37 ~~this chapter; if the legislative bodies of the reorganizing political~~  
 38 ~~subdivisions have specified that the vote on the public question~~  
 39 ~~regarding the reorganization shall be conducted on a countywide~~  
 40 ~~basis under section 30(b) of this chapter with a rejection~~  
 41 ~~threshold; the reorganization committee shall include in the~~  
 42 ~~reorganization plan a rejection threshold; specified as a~~

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1 percentage; that applies for purposes of section 32(b) of this  
2 chapter. The rejection threshold must be the same for each  
3 municipality that is a party to the proposed reorganization and to  
4 the county that is a party to the proposed reorganization.

5 (9) In the case of a reorganization described in section 1(a)(9) of  
6 this chapter, the reorganization committee shall determine and  
7 include in the reorganization plan the percentage of voters voting  
8 on the public question regarding the proposed reorganization who  
9 must vote, on a countywide basis, in favor of the proposed  
10 reorganization for the public question to be approved. This  
11 percentage is referred to in this chapter as the "countywide vote  
12 approval percentage". The countywide vote approval percentage  
13 must be greater than fifty percent (50%).

14 ~~(10)~~ (8) The statement required by subsection (e).

15 (c) In the case of a reorganization described in section 1(a)(9) of this  
16 chapter, the reorganization committee may not change the decision of  
17 the legislative bodies of the reorganizing political subdivisions  
18 regarding whether the vote on the public question regarding the  
19 reorganization shall be conducted on a countywide basis without a  
20 rejection threshold or with a rejection threshold.

21 (d) Upon completion of the plan of reorganization, the  
22 reorganization committee shall present the plan of reorganization to the  
23 legislative body of each of the reorganizing political subdivisions for  
24 adoption. The initial plan of reorganization must be submitted to the  
25 legislative body of each of the reorganizing political subdivisions not  
26 later than one (1) year after the clerk of the last political subdivision  
27 that adopts a reorganization resolution under this chapter has certified  
28 the resolution to all of the political subdivisions named in the  
29 resolution. In the case of a plan of reorganization submitted to a  
30 political subdivision by a reorganization committee after June 30, 2010,  
31 the political subdivision shall post a copy of the plan of reorganization  
32 on an Internet web site maintained or authorized by the political  
33 subdivision not more than thirty (30) days after receiving the plan of  
34 reorganization from the reorganization committee.

35 (e) A reorganization committee must include in the plan of  
36 reorganization submitted to a political subdivision after June 30, 2010,  
37 a statement of:

- 38 (1) whether a fiscal impact analysis concerning the proposed  
39 reorganization has been prepared or has not been prepared by or  
40 on behalf of the reorganization committee; and
- 41 (2) whether a fiscal impact analysis concerning the proposed  
42 reorganization has been made available or has not been made

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1 available to the public by or on behalf of the reorganization  
2 committee.

3 SECTION 12. IC 36-1.5-4-32, AS ADDED BY P.L.186-2006,  
4 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2012]: Sec. 32. (a) This subsection does not apply to a  
6 reorganization described in section 1(a)(9) of this chapter. A  
7 reorganization as specified in the plan of reorganization is approved if  
8 a majority of the voters in each reorganizing political subdivision  
9 voting on the public question approve the public question on the  
10 reorganization. The vote of voters of a reorganizing political  
11 subdivision (for example, a city) who also are voters in a second  
12 reorganizing political subdivision (for example, a township) that is  
13 geographically larger than the first political subdivision and that  
14 includes the territory of the first political subdivision shall be included  
15 only in the tally of votes for the first reorganizing political subdivision  
16 in which the voters reside.

17 (b) ~~This subsection applies~~ **The following apply** only to a  
18 reorganization described in section 1(a)(9) of this chapter.

19 **(1) In the case of a public question on the ballot before July 1,**  
20 **2012, the reorganization is approved only if:**

21 (†) **(A)** the percentage of voters voting on the public question  
22 who vote, on a countywide basis, in favor of the proposed  
23 reorganization is at least equal to the countywide vote approval  
24 percentage specified in the final reorganization plan;

25 (‡) **(B)** if the legislative bodies of the reorganizing political  
26 subdivisions have agreed that the vote on the public question  
27 shall be conducted with a rejection threshold, the percentage  
28 of voters of the county (excluding the voters of the  
29 reorganizing municipalities) voting on the public question who  
30 vote against the reorganization is less than the rejection  
31 threshold included in the final reorganization plan; and

32 (⊕) **(C)** if the legislative bodies of the reorganizing political  
33 subdivisions have agreed that the vote on the public question  
34 shall be conducted with a rejection threshold, the percentage  
35 of voters of each reorganizing municipality voting on the  
36 public question who vote against the reorganization is less  
37 than the rejection threshold included in the final  
38 reorganization plan.

39 **(2) In the case of a public question on the ballot after June 30,**  
40 **2012, the reorganization is approved only if:**

41 **(A) a majority of the voters in the county voting on the**  
42 **public question vote (on a countywide basis) in favor of the**

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**proposed reorganization;**  
**(B) the legislative bodies of the reorganizing political subdivisions have agreed that the vote on the public question shall be conducted with a rejection threshold and a majority of the voters of the county (excluding the voters of the reorganizing municipalities) voting on the public question vote in favor of the proposed reorganization; and**  
**(C) the legislative bodies of the reorganizing political subdivisions have agreed that the vote on the public question shall be conducted with a rejection threshold and a majority of the voters of each reorganizing municipality voting on the public question vote in favor of the proposed reorganization.**

(c) If the reorganization is not approved, the reorganization is terminated. If the legislative bodies of the reorganizing political subdivisions have agreed that the vote in the public question shall be conducted with a rejection threshold, then in tabulating the votes under subdivisions ~~(2)~~ and ~~(3)~~, **subsection (b)(1)(B), (b)(1)(C), (b)(2)(B), and (b)(2)(C)**, the vote of voters of a reorganizing municipality who also are voters in the county shall be included only in the tally of votes for the municipality in which the voters reside.

SECTION 13. IC 36-2-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **Except as specifically provided, this chapter applies to all counties not does not apply to the following:**

- (1) A county having a consolidated city.**
- (2) A county in which a single county commissioner has been elected and is serving under IC 36-2-2.5.**

SECTION 14. IC 36-2-2-4, AS AMENDED BY P.L.230-2005, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This subsection does not apply to a county having a population of:

- (1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or
- (2) more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred ~~seventy~~ thousand ~~(300,000)~~ **(270,000).**

The executive shall divide the county into three (3) districts that are composed of contiguous territory and are reasonably compact. The district boundaries drawn by the executive must not cross precinct boundary lines and must divide townships only when a division is clearly necessary to accomplish redistricting under this section. If

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1 necessary, the county auditor shall call a special meeting of the  
2 executive to establish or revise districts.

3 (b) This subsection applies to a county having a population of more  
4 than four hundred thousand (400,000) but less than seven hundred  
5 thousand (700,000). A county redistricting commission shall divide the  
6 county into three (3) single-member districts that comply with  
7 subsection (d). The commission is composed of:

- 8 (1) the members of the Indiana election commission;  
9 (2) two (2) members of the senate selected by the president pro  
10 tempore, one (1) from each political party; and  
11 (3) two (2) members of the house of representatives selected by  
12 the speaker, one (1) from each political party.

13 The legislative members of the commission have no vote and may act  
14 only in an advisory capacity. A majority vote of the voting members is  
15 required for the commission to take action. The commission may meet  
16 as frequently as necessary to perform its duty under this subsection.  
17 The commission's members serve without additional compensation  
18 above that provided for them as members of the Indiana election  
19 commission, the senate, or the house of representatives. **If a county to  
20 which this subsection applies adopts a county government  
21 structure in which a single county commissioner is elected under  
22 IC 36-2-2.5, the county redistricting commission under this  
23 subsection is not abolished and continues in existence for purposes  
24 of dividing, as necessary, the county into county council districts.**

25 (c) This subsection applies to a county having a population of more  
26 than two hundred **fifty** thousand (~~200,000~~) **(250,000)** but less than  
27 ~~three~~ **two** hundred **seventy** thousand (~~300,000~~) **(270,000)**. The  
28 executive shall divide the county into three (3) single-member districts  
29 that comply with subsection (d).

30 (d) Single-member districts established under subsection (b) or (c)  
31 must:

- 32 (1) be compact, subject only to natural boundary lines (such as  
33 railroads, major highways, rivers, creeks, parks, and major  
34 industrial complexes);  
35 (2) contain, as nearly as is possible, equal population; and  
36 (3) not cross precinct lines.

37 (e) A division under subsection (a), (b), or (c) shall be made:

- 38 (1) during the first year after a year in which a federal decennial  
39 census is conducted; and  
40 (2) when the county adopts an order declaring a county boundary  
41 to be changed under IC 36-2-1-2.

42 (f) A division under subsection (a), (b), or (c) may be made in any

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odd-numbered year not described in subsection (e).  
SECTION 15. IC 36-2-2.4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**Chapter 2.4. Determination of County Government Structure**

**Sec. 1. This chapter does not apply to a county having a consolidated city.**

**Sec. 2. (a) Subject to subsection (b), the county executive may adopt an ordinance providing that the voters of the county shall elect:**

**(1) a single county commissioner under IC 36-2-2.5 who has the executive powers and duties of the county; and**

**(2) a county council that has the legislative and fiscal powers and duties of the county.**

**(b) An ordinance may be adopted under this chapter only:**

**(1) during an odd-numbered year; or**

**(2) before July 1 of an even-numbered year.**

**(c) If the ordinance is adopted by a unanimous vote of the entire membership of the county executive, the executive and legislative structure and functions of the county are reorganized under IC 36-2-2.5.**

**(d) If the ordinance is adopted by less than a unanimous vote of the entire membership of the county executive, a public question shall be held in the county on whether the executive and legislative structure and functions of the county should be reorganized under IC 36-2-2.5.**

**(e) If an ordinance described in subsection (d) is adopted, the county auditor shall certify the adoption of the ordinance to the county election board under IC 3-10-9. The public question shall be placed on the ballot in accordance with IC 3-10-9.**

**Sec. 3. If an ordinance is certified under section 2(e) of this chapter, the county election board shall place the following public question on the ballot at the next general election held in the county:**

**"Shall the county government of (insert the name of the county) County be reorganized to place all executive powers in a single county commissioner and to place all legislative and fiscal powers in the county council?"**

**Sec. 4. IC 3, except where inconsistent with this chapter, applies to a public question placed on the ballot under this chapter.**

**Sec. 5. If a majority of the voters of a county who vote on a public question placed on the ballot under this chapter vote in**

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1 favor of the public question, the executive and legislative structure  
2 and functions of the county shall be reorganized under IC 36-2-2.5.

3 SECTION 16. IC 36-2-2.5 IS ADDED TO THE INDIANA CODE  
4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
5 UPON PASSAGE]:

6 **Chapter 2.5. Single County Commissioner**

7 **Sec. 1. Except as specifically provided by law, this chapter**  
8 **applies to each county:**

- 9 (1) that does not have a consolidated city; and
- 10 (2) in which:

- 11 (A) an ordinance under IC 36-2-2.4 making the county  
12 executive a single county commissioner has been approved  
13 by a unanimous vote of the entire membership of the  
14 county executive; or

- 15 (B) a local public question under IC 36-2-2.4 or IC 36-2-2.6  
16 making the county executive a single county commissioner  
17 has been approved by the voters of the county.

18 **Sec. 2. As used in this chapter, "single county commissioner"**  
19 **means the single county commissioner elected under IC 3-10-2-13.**

20 **Sec. 3. In a county to which this chapter applies:**

- 21 (1) the voters of the county:

- 22 (A) shall elect one (1) county commissioner in the second  
23 general election after the ordinance or local public  
24 question under IC 36-2-2.4 or IC 36-2-2.6 is approved and  
25 every four (4) years thereafter; and

- 26 (B) beginning with the second general election after the  
27 ordinance or local public question under IC 36-2-2.4 or  
28 IC 36-2-2.6 is approved, shall not elect a board of county  
29 commissioners;

- 30 (2) the board of county commissioners for the county is  
31 abolished January 1 of the year following the year in which  
32 the first single county commissioner is elected;

- 33 (3) notwithstanding IC 36-2-2-3, the term of each county  
34 commissioner serving on December 31 of the year in which  
35 the first single county commissioner is elected expires January  
36 1 of the year following the year in which the first single county  
37 commissioner is elected; and

- 38 (4) except as provided in IC 36-2-3-4.1(b), the county council  
39 shall divide the county into seven (7) single-member county  
40 council districts as required by IC 36-2-3-4.1.

41 **Sec. 4. (a) The term of office of a single county commissioner is**  
42 **four (4) years, beginning January 1 after election and continuing**

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1 until a successor is elected and qualified. An individual is not  
 2 eligible to serve as the single county commissioner more than eight  
 3 (8) years in any period of twelve (12) years.

4 (b) To be eligible for election as the single county commissioner,  
 5 an individual must meet the qualifications under IC 3-8-1-21. If an  
 6 individual does not remain a resident of the county after taking  
 7 office as the single county commissioner, the individual forfeits the  
 8 office. The county legislative body shall declare the office vacant  
 9 whenever the single county commissioner forfeits the office under  
 10 this subsection.

11 (c) If the office of single county commissioner becomes vacant,  
 12 the county council shall appoint an individual to serve as the single  
 13 county commissioner until the office is filled under IC 3-13.

14 Sec. 5. (a) On January 1 following the year in which the first  
 15 single county commissioner is elected, all property, assets, funds,  
 16 equipment, records, rights, contracts, obligations, and liabilities of  
 17 the board of county commissioners of a county are transferred to  
 18 or assumed by the single county commissioner.

19 (b) The abolishment of the board of county commissioners of a  
 20 county on January 1 following the year in which the first single  
 21 county commissioner is elected does not invalidate any:

- 22 (1) ordinances, resolutions, fees, schedules, or other actions  
 23 adopted or taken by the board of county commissioners  
 24 before the board is abolished; or  
 25 (2) appointments made by the board of county commissioners  
 26 before the board is abolished.

27 Sec. 6. (a) All powers and duties of the county that are executive  
 28 or administrative in nature (including any power of appointment  
 29 related to executive or administrative functions) shall be exercised  
 30 or performed by the single county commissioner, except to the  
 31 extent that these powers and duties are expressly assigned by law  
 32 to another elected or appointed officer. The single county  
 33 commissioner shall transact the business of the county in the name  
 34 of "The County Commissioner of the County of \_\_\_\_\_".

35 (b) For purposes of a county subject to this chapter, after  
 36 December 31 of the year in which the first single county  
 37 commissioner is elected, any reference in:

- 38 (1) the Indiana Code;  
 39 (2) the Indiana Administrative Code;  
 40 (3) an ordinance or resolution; or  
 41 (4) any deed, lease, contract, or other official document or  
 42 instrument;

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1 to the board of commissioners pertaining to the executive powers  
2 of a county shall be considered a reference to the single county  
3 commissioner of the county.

4 (c) For purposes of a county subject to this chapter, after  
5 December 31 of the year in which the first single county  
6 commissioner is elected, any reference in:

- 7 (1) the Indiana Code;
- 8 (2) the Indiana Administrative Code;
- 9 (3) an ordinance or resolution; or
- 10 (4) any deed, lease, contract, or other official document or  
11 instrument;

12 related to the executive powers and duties of the board of county  
13 commissioners shall be considered a reference to the powers and  
14 duties of the single county commissioner of the county.

15 (d) For purposes of a county subject to this chapter, after  
16 December 31 of the year in which the first single county  
17 commissioner is elected, the county council has the legislative and  
18 fiscal powers and duties of the county under IC 36-2-3.7.

19 **Sec. 7. The single county commissioner shall do the following:**

- 20 (1) Report on the condition of the county before March 1 of  
21 each year to the county legislative body and to the county  
22 residents.
- 23 (2) Recommend before March 1 of each year to the county  
24 legislative body any action or program the single county  
25 commissioner considers necessary for the improvement of the  
26 county and the welfare of county residents.
- 27 (3) Submit to the county legislative body an annual budget in  
28 accordance with IC 36-2-5.
- 29 (4) Establish procedures to be followed by all county  
30 departments, offices, and agencies under the single county  
31 commissioner's jurisdiction to the extent these procedures are  
32 not expressly assigned by law to another elected or appointed  
33 officer.
- 34 (5) Administer all statutes, ordinances, and regulations  
35 applicable to the county, to the extent the administration of  
36 these matters is not expressly assigned by law to another  
37 elected or appointed officer.
- 38 (6) Supervise the care and custody of all county property.
- 39 (7) Supervise the collection of revenues, control all  
40 disbursements and expenditures, and prepare a complete  
41 account of all expenditures, to the extent these matters are not  
42 expressly assigned by law to another elected or appointed

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- officer.
- (8) Review, analyze, and forecast trends for county services and finances and programs of all county governmental entities, and report on and make recommendations concerning the services, finances, and programs to the county legislative body by March 15 of each year.**
- (9) Negotiate contracts for the county.**
- (10) Make recommendations concerning the nature and location of county improvements, and provide for the execution of those improvements.**
- (11) Supervise county administrative offices, except for the offices of elected officers.**
- (12) Do the following in January of each year:**
  - (A) Make a settlement with the county treasurer for the preceding calendar year and include a copy of the settlement sheet in the order book of the single county commissioner.**
  - (B) Make an accurate statement of the county's receipts and expenditures during the preceding calendar year. The statement must include the name of and total compensation paid to each county officer, deputy, and employee. The single county commissioner shall post this statement at the courthouse door and two (2) other places in the county and shall publish it in the manner prescribed by IC 5-3-1.**
- (13) Perform other duties and functions that are assigned to the single county commissioner by statute or ordinance.**

**Sec. 8. The single county commissioner may do any of the following:**

- (1) Order any department, office, or agency under the single county commissioner's jurisdiction to undertake any task for another department, office, or agency under the single county commissioner's jurisdiction on a temporary basis, if necessary for the proper and efficient administration of county government.**
- (2) Establish and administer centralized budgeting, centralized personnel selection, and centralized purchasing.**
- (3) Audit the accounts of officers who deal with money belonging to or appropriated for the benefit of the county.**
- (4) Approve accounts chargeable against the county and direct the raising of money necessary for county expenses.**
- (5) Make orders concerning county property, including orders**

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for:

(A) the sale of the county's public buildings and the acquisition of land in the county seat on which to build new public buildings; and

(B) the acquisition of land for a public square and the maintenance of that square.

However, a conveyance or purchase by a county of land having a value of one thousand dollars (\$1,000) or more must be authorized by an ordinance of the county legislative body fixing the terms and conditions of the transaction.

Sec. 9. (a) The single county commissioner shall establish and maintain a county courthouse, county jail, and public offices for the county clerk, the county auditor, the county recorder, the county treasurer, the county sheriff, and the county surveyor.

(b) Offices for the county surveyor must be in the courthouse or at the county seat.

(c) Offices for the county sheriff may be located:

- (1) in the courthouse;
- (2) inside the corporate limits of the county seat; or
- (3) outside the corporate limits of the county seat but within the limits of the county.

Sec. 10. (a) The single county commissioner may grant licenses, permits, or franchises for the use of county property if the licenses, permits, or franchises:

- (1) are not exclusive;
- (2) are of a definite duration; and
- (3) are assignable only with the consent of the single county commissioner.

(b) If a public utility or municipally owned or operated utility that carries on business outside the corporate boundaries of municipalities in the county is engaged in an activity substantially similar to that for which a license, permit, or franchise for the use of county property is sought, the single county commissioner may grant the license, permit, or franchise only with the consent of the utility regulatory commission. The commission may give its consent only if the commission determines, after a public hearing of all interested parties, that public necessity and convenience require the substantially similar activity.

(c) The provisions of this section that concern securing the consent of the utility regulatory commission do not apply to municipally owned or operated utilities.

Sec. 11. Notwithstanding any other law, if a statute requires a

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1 county executive to take an executive action by ordinance or  
 2 resolution, a single county commissioner shall instead take the  
 3 action by issuing an executive order.

4 **Sec. 12. (a)** If the single county commissioner is disqualified  
 5 from acting in a quasi-judicial proceeding, the single county  
 6 commissioner shall cease to act in that proceeding. Not later than  
 7 ten (10) days after the finding that the single county commissioner  
 8 is disqualified to act in a proceeding, the county auditor shall send  
 9 a certified copy of the record of the proceeding to the judge of the  
 10 circuit court for the county. If the judge affirms the  
 11 disqualification of the single county commissioner, the judge shall  
 12 appoint a disinterested and competent person to serve as a special  
 13 executive in the proceeding.

14 **(b)** A person who consents to serve as a special executive must  
 15 have the same qualifications as an elected single county  
 16 commissioner. The person's appointment and oath shall be filed  
 17 with the county auditor and entered on the records of the single  
 18 county commissioner. A person appointed as a special executive  
 19 may conduct the proceeding until a final determination is reached.

20 **Sec. 13.** The single county commissioner shall keep the single  
 21 county commissioner's office open on each business day.

22 **Sec. 14.** Appointments made by the single county commissioner  
 23 shall be certified by the county auditor, under the seal of the single  
 24 county commissioner.

25 **Sec. 15. (a)** The single county commissioner may employ a  
 26 person:

- 27 (1) to perform a duty required of a county officer by statute;  
 28 or  
 29 (2) on a commission or percentage basis;

30 only if the employment is expressly authorized by statute or is  
 31 found by the single county commissioner to be necessary to the  
 32 public interest.

33 **(b)** If a person's employment under subsection (a) is not  
 34 expressly authorized by statute, the contract for the person's  
 35 employment must be filed with the circuit court for the county, and  
 36 the person must file the person's claims for compensation with that  
 37 court. Any taxpayer may contest a claim under this section.

38 **(c)** A single county commissioner who recklessly violates this  
 39 section commits a Class C misdemeanor and forfeits the person's  
 40 office.

41 **Sec. 16.** The single county commissioner shall appear before the  
 42 legislative body of the county at least once each month and at other

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1 times as needed to conduct all necessary county business.

2 **Sec. 17. (a)** If a party to a proceeding before the single county  
3 commissioner is aggrieved by a decision of the single county  
4 commissioner, the party may appeal that decision to the circuit  
5 court for the county.

6 **(b)** A person who is not a party to a proceeding before the single  
7 county commissioner may appeal a decision of the single county  
8 commissioner only if the person files with the county auditor an  
9 affidavit:

10 (1) specifically setting forth the person's interest in the matter  
11 decided; and

12 (2) alleging that the person is aggrieved by the decision of the  
13 single county commissioner.

14 **(c)** An appeal under this section must be taken not later than  
15 thirty (30) days after the single county commissioner makes the  
16 decision by which the appellant is aggrieved.

17 **(d)** An appellant under this section must file with the county  
18 auditor a bond conditioned on due prosecution of the appeal. The  
19 bond is subject to approval by the county auditor and must be in  
20 an amount sufficient to provide security for court costs.

21 **(e)** Not later than twenty (20) days after the county auditor  
22 receives the appeal bond, the county auditor shall prepare a  
23 complete transcript of the proceedings of the single county  
24 commissioner related to the decision appealed from and shall  
25 deliver the transcript, all documents filed during the proceedings,  
26 and the appeal bond to the clerk of the circuit court.

27 **Sec. 18. (a)** An appeal under section 17 of this chapter shall be  
28 docketed among the other causes pending in the circuit court and  
29 shall be tried as an original cause.

30 **(b)** A court may decide an appeal under section 17 of this  
31 chapter by:

32 (1) affirming the decision of the single county commissioner;  
33 or

34 (2) remanding the cause to the single county commissioner  
35 with directions as to how to proceed;

36 and may require the single county commissioner to comply with  
37 this decision.

38 **Sec. 19. (a)** The county auditor or the single county  
39 commissioner may administer any oaths required by this chapter.

40 **(b)** The county sheriff or a county police officer shall attend the  
41 meetings of the single county commissioner, if requested by the  
42 single county commissioner, and shall execute the single county

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1 commissioner's orders.

2 **Sec. 20. (a)** Appointments made by the single county  
3 commissioner shall be certified by the county auditor, under the  
4 seal of the single county commissioner.

5 **(b)** If a copy of the single county commissioner's proceedings  
6 has been signed and sealed by the county auditor and introduced  
7 into evidence in court, that copy is presumed to be an accurate  
8 record of the single county commissioner's proceedings.

9 **Sec. 21.** If publication of a notice, report, or statement of any  
10 kind is required and a county is liable for the cost of that  
11 publication, the single county commissioner may not make or pay  
12 for publication in more than one (1) newspaper unless publication  
13 in two (2) newspapers is required. A person who violates this  
14 section commits a Class C infraction.

15 **Sec. 22. (a)** The single county commissioner may employ and fix  
16 the compensation of an attorney to represent and advise the  
17 commissioner.

18 **(b)** For purposes of Article 2, Section 9 of the Constitution of the  
19 State of Indiana, employment by a single county commissioner as  
20 an attorney does not constitute a lucrative office.

21 **Sec. 23. (a)** As used in this section, "training courses" refers to  
22 training courses related to the office of county commissioner that  
23 are developed by the Association of Indiana Counties and  
24 approved by the state board of accounts.

25 **(b)** An individual elected to the office of single county  
26 commissioner in a county subject to this chapter shall complete at  
27 least:

28 (1) fifteen (15) hours of training courses within one (1) year;  
29 and

30 (2) forty (40) hours of training courses within three (3) years;  
31 after beginning the county commissioner's term.

32 **(c)** An individual shall fulfill the training requirement  
33 established by subsection (b) for each term the individual serves as  
34 county commissioner.

35 SECTION 17. IC 36-2-2.6 IS ADDED TO THE INDIANA CODE  
36 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
37 UPON PASSAGE]:

38 **Chapter 2.6. Petition for Public Question on Reorganization of**  
39 **County Government**

40 **Sec. 1.** This chapter does not apply to a county having a  
41 consolidated city.

42 **Sec. 2. (a)** The voters of a county may file a written petition with

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1 the county auditor requesting that a local public question  
2 applicable to the county be placed on the ballot under subsection

3 (b). The petition must:

4 (1) be signed by at least two percent (2%) of the registered  
5 voters of the county, as determined by the votes cast in the  
6 county for secretary of state at the most recent general  
7 election;

8 (2) state the public question that is required to be placed on  
9 the ballot under subsection (b);

10 (3) be substantially in the form prescribed by the state board  
11 of accounts; and

12 (4) be filed:

13 (A) during an odd-numbered year; or

14 (B) before June 1 of an even-numbered year.

15 The county auditor shall certify the petition to the county election  
16 board in accordance with IC 3-10-9-3 and to the county council of  
17 the county. The state board of accounts shall design and make  
18 available to the public the petition form to be used in the petition  
19 process described in this section.

20 (b) If the requirements of subsection (a) are satisfied, the county  
21 election board shall place the following public question on the  
22 ballot at the next general election held in the county:

23 "Shall the county government of (insert the name of the  
24 county) County be reorganized to place all executive powers  
25 in a single county commissioner and to place all legislative  
26 and fiscal powers in the county council?"

27 Sec. 3. IC 3, except where inconsistent with this chapter, applies  
28 to a public question placed on the ballot under this chapter.

29 Sec. 4. If a majority of the voters of a county who vote on a  
30 public question placed on the ballot under this chapter vote in  
31 favor of the public question, the executive and legislative structure  
32 and functions of the county shall be reorganized under IC 36-2-2.5.

33 SECTION 18. IC 36-2-2.7 IS ADDED TO THE INDIANA CODE  
34 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
35 UPON PASSAGE]:

36 Chapter 2.7. Reversion to Previous County Government  
37 Structure

38 Sec. 1. This chapter does not apply to a county that has a  
39 consolidated city.

40 Sec. 2. As used in this chapter, "single county commissioner"  
41 means the single county commissioner elected under IC 3-10-2-13.

42 Sec. 3. A county that elects a single county commissioner under

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1 IC 36-2-2.5 may, as provided in this chapter, revert to a county  
 2 government structure that has a board of county commissioners  
 3 rather than a single county commissioner.

4 Sec. 4. (a) Subject to subsection (b), the county council may  
 5 adopt an ordinance providing that the voters of the county shall  
 6 elect:

7 (1) a three (3) member board of commissioners that has the:  
 8 (A) executive and legislative powers and duties of the  
 9 county if the county was not subject to IC 36-2-3.5 before  
 10 the county's government was reorganized under  
 11 IC 36-2-2.5; or

12 (B) executive powers and duties of the county if the county  
 13 was subject to IC 36-2-3.5 before the county's government  
 14 was reorganized under IC 36-2-2.5; and

15 (2) a county council that has the:

16 (A) fiscal powers and duties of the county if the county was  
 17 not subject to IC 36-2-3.5 before the county's government  
 18 was reorganized under IC 36-2-2.5; or

19 (B) fiscal and legislative powers and duties of the county if  
 20 the county was subject to IC 36-2-3.5 before the county's  
 21 government was reorganized under IC 36-2-2.5.

22 (b) An ordinance described in subsection (a) may be adopted  
 23 under this chapter only during an odd-numbered year.

24 (c) If an ordinance described in subsection (a) is adopted by a  
 25 unanimous vote of the entire membership of the county council, the  
 26 executive, the executive and legislative structure, and the functions  
 27 of the county are reorganized as provided in section 7 of this  
 28 chapter.

29 (d) If an ordinance described in subsection (a) is adopted by less  
 30 than a unanimous vote of the entire membership of the county  
 31 council:

32 (1) the county auditor shall certify the adoption of the  
 33 ordinance to the county election board under IC 3-10-9; and

34 (2) a public question shall be held in the county under section  
 35 6 of this chapter on whether the executive and legislative  
 36 structure and functions of the county should be reorganized  
 37 under section 7 of this chapter.

38 Sec. 5. (a) Subject to the requirements of this chapter, the voters  
 39 of a county may file a written petition with the county auditor  
 40 requesting that a local public question on whether the executive  
 41 and legislative structure and functions of the county should be  
 42 reorganized under section 7 of this chapter be placed on the ballot

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1 under section 6 of this chapter. The petition must:

2 (1) be signed by at least two percent (2%) of the registered  
3 voters of the county, as determined by the votes cast in the  
4 county for secretary of state at the most recent general  
5 election;

6 (2) state the public question that is required to be placed on  
7 the ballot under section 6 of this chapter;

8 (3) be substantially in the form prescribed by the state board  
9 of accounts; and

10 (4) be filed:

11 (A) during an odd-numbered year; or

12 (B) before June 1 of an even-numbered year.

13 (b) The county auditor shall certify the petition to the county  
14 election board in accordance with IC 3-10-9-3 and to the county  
15 council of the county.

16 (c) The state board of accounts shall design and make available  
17 to the public the petition form to be used in the petition process  
18 described in this section.

19 Sec. 6. (a) If an ordinance is certified under section 4(d) of this  
20 chapter or a sufficient petition is certified under section 5(b) of this  
21 chapter, the county election board shall place the following public  
22 question on the ballot at the next general election held in the county  
23 after the ordinance or petition is certified:

24 "Shall the county government of (insert the name of the  
25 county) County be reorganized to elect a board of county  
26 commissioners rather than a single county commissioner?".

27 (b) IC 3, except where inconsistent with this chapter, applies to  
28 a public question placed on the ballot under this chapter. A public  
29 question under this section must be certified in accordance with  
30 IC 3-10-9-3 and shall be placed on the ballot in accordance with  
31 IC 3-10-9.

32 (c) If a majority of the voters of a county who vote on a public  
33 question placed on the ballot under this section vote in favor of the  
34 public question, the executive and legislative structure and  
35 functions of the county shall be reorganized under section 7 of this  
36 chapter.

37 Sec. 7. The following apply if an ordinance is adopted by a  
38 unanimous vote of the entire membership of the county council as  
39 described in section 4(c) of this chapter or if a majority of the  
40 voters of a county who vote on a public question placed on the  
41 ballot under section 6 of this chapter vote in favor of the public  
42 question:

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- 1 (1) The executive, the executive and legislative structure, and  
 2 the functions of the county are reorganized as provided in this  
 3 section.
- 4 (2) The voters of the county shall elect:
- 5 (A) a three (3) member board of commissioners that has  
 6 the:
- 7 (i) executive and legislative powers and duties of the  
 8 county if the county was not subject to IC 36-2-3.5 before  
 9 the county's government was reorganized under  
 10 IC 36-2-2.5; or
- 11 (ii) executive powers and duties of the county if the  
 12 county was subject to IC 36-2-3.5 before the county's  
 13 government was reorganized under IC 36-2-2.5; and
- 14 (B) a county council that has the:
- 15 (i) fiscal powers and duties of the county if the county  
 16 was not subject to IC 36-2-3.5 before the county's  
 17 government was reorganized under IC 36-2-2.5; or
- 18 (ii) fiscal and legislative powers and duties of the county  
 19 if the county was subject to IC 36-2-3.5 before the  
 20 county's government was reorganized under IC 36-2-2.5.
- 21 (3) The office of the board of county commissioners shall be  
 22 placed on the primary election ballot for the county in the  
 23 year of the second general election after the ordinance or local  
 24 public question is approved. The office of single county  
 25 commissioner shall not be placed on the primary election  
 26 ballot for the county in the year of the second general election  
 27 after the ordinance or local public question is approved.
- 28 (4) The office of the board of county commissioners shall be  
 29 placed on the general election ballot for the county at the  
 30 second general election after the ordinance or local public  
 31 question is approved and, except as provided in subdivision  
 32 (6) to provide for staggered terms, every four (4) years  
 33 thereafter. Beginning with the second general election after  
 34 the ordinance or local public question is approved, the county  
 35 shall not elect a single county commissioner.
- 36 (5) On January 1 in the year following the year that the board  
 37 of commissioners is elected under this chapter, the following  
 38 occur:
- 39 (A) The office of single county commissioner is abolished,  
 40 and the term of the single county commissioner expires.
- 41 (B) The county is not subject to IC 36-2-2.5 and  
 42 IC 36-2-3.7.

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**(C) The county executive is the board of county commissioners elected under IC 36-2-2. The board of county commissioners has all powers that are executive or administrative in nature.**

**(D) If the county was not subject to IC 36-2-3.5 before the county's government was reorganized under IC 36-2-2.5, the county legislative body is the board of county commissioners. All powers that are legislative in nature are transferred from the county fiscal body to the board of county commissioners.**

**(E) If the county was subject to IC 36-2-3.5 before the county's government was reorganized under IC 36-2-2.5, the county legislative body is the county council.**

**(F) The county council is the county fiscal body.**

**(G) All property, assets, funds, equipment, records, rights, contracts, obligations, and liabilities of the single county commissioner are transferred to or assumed by the board of county commissioners.**

**(6) Notwithstanding IC 36-2-2-3, to provide for staggered terms of the members of the board of county commissioners elected after the structure and functions of the county are reorganized under this chapter, the county council shall, before the primary election described in subdivision (3), adopt an ordinance specifying which of the three (3) board of county commissioners districts shall elect a member of the board of county commissioners who serves an initial term of two (2) years rather than four (4) years.**

**(7) The abolishment of the office of the single county commissioner on January 1 following the year in which the board of county commissioners is elected does not invalidate:**

**(A) any resolutions, fees, schedules, or other actions adopted or taken by the single county commissioner before the office is abolished; or**

**(B) any appointments made by the single county commissioner before the office is abolished.**

**(8) Effective with the second general election after the ordinance or local public question is approved, the county council shall be elected with four (4) single-member county council districts and three (3) at-large members under IC 36-2-3-4. The county council shall divide the county into the four (4) contiguous single-member county council districts under IC 36-2-3-4. The terms of all county council members**

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1           **servicing at the time of the second general election after the**  
 2           **ordinance or local public question is approved expire January**  
 3           **1 following the election. Notwithstanding any other law, to**  
 4           **provide for staggered terms of the members of the county**  
 5           **council, the county council may, before the primary election**  
 6           **preceding the general election at which county council**  
 7           **members will be elected as provided in this subdivision, adopt**  
 8           **an ordinance specifying which of the seven (7) members of the**  
 9           **county council shall serve an initial term of two (2) years**  
 10           **rather than four (4) years.**

11           SECTION 19. IC 36-2-3-4, AS AMENDED BY P.L.230-2005,  
 12           SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13           UPON PASSAGE]: Sec. 4. (a) This subsection does not apply to a  
 14           county having a population of:

- 15                 (1) more than four hundred thousand (400,000) but less than
- 16                 seven hundred thousand (700,000); or
- 17                 (2) more than two hundred thousand (200,000) but less than three
- 18                 hundred thousand (300,000).

19           **Except as provided in section 4.1 of this chapter,** the county  
 20           executive shall by ordinance divide the county into four (4) contiguous,  
 21           single-member districts that comply with subsection (d). If necessary,  
 22           the county auditor shall call a special meeting of the executive to  
 23           establish or revise districts. One (1) member of the fiscal body shall be  
 24           elected by the voters of each of the four (4) districts. Three (3) at-large  
 25           members of the fiscal body shall be elected by the voters of the whole  
 26           county.

27           (b) This subsection applies to a county having a population of more  
 28           than four hundred thousand (400,000) but less than seven hundred  
 29           thousand (700,000). The county redistricting commission established  
 30           under IC 36-2-2-4 shall divide the county into seven (7) single-member  
 31           districts that comply with subsection (d). One (1) member of the fiscal  
 32           body shall be elected by the voters of each of these seven (7)  
 33           single-member districts.

34           (c) This subsection applies to a county having a population of more  
 35           than two hundred thousand (200,000) but less than three hundred  
 36           thousand (300,000). The fiscal body shall divide the county into nine  
 37           (9) single-member districts that comply with subsection (d). Three (3)  
 38           of these districts must be contained within each of the three (3) districts  
 39           established under IC 36-2-2-4(c). One (1) member of the fiscal body  
 40           shall be elected by the voters of each of these nine (9) single-member  
 41           districts.

42           (d) Single-member districts established under subsection (a), (b), or

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- 1 (c) must:
- 2 (1) be compact, subject only to natural boundary lines (such as
- 3 railroads, major highways, rivers, creeks, parks, and major
- 4 industrial complexes);
- 5 (2) not cross precinct boundary lines;
- 6 (3) contain, as nearly as possible, equal population; and
- 7 (4) include whole townships, except when a division is clearly
- 8 necessary to accomplish redistricting under this section.
- 9 (e) A division under subsection (a), (b), or (c) shall be made:
- 10 (1) during the first year after a year in which a federal decennial
- 11 census is conducted; ~~and~~
- 12 (2) when the county executive adopts an order declaring a county
- 13 boundary to be changed under IC 36-2-1-2; **and**
- 14 **(3) during the year before county council members will be**
- 15 **elected under IC 36-2-2.7-7(8).**
- 16 (f) A division under subsection (a), (b), or (c) may be made in any
- 17 odd-numbered year not described in subsection (e).
- 18 SECTION 20. IC 36-2-3-4.1 IS ADDED TO THE INDIANA CODE
- 19 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
- 20 **UPON PASSAGE]: Sec. 4.1. (a) Except as provided in subsection**
- 21 **(b), this chapter applies to each county:**
- 22 **(1) that does not have a consolidated city; and**
- 23 **(2) in which:**
- 24 **(A) an ordinance under IC 36-2-2.4 making the county**
- 25 **executive a single county commissioner has been approved**
- 26 **by a unanimous vote of the entire membership of the**
- 27 **county executive; or**
- 28 **(B) a local public question under IC 36-2-2.4 or IC 36-2-2.6**
- 29 **making the county executive a single county commissioner**
- 30 **has been approved by the voters of the county.**
- 31 **(b) This section does not apply to a county having a population**
- 32 **of:**
- 33 **(1) more than four hundred thousand (400,000) but less than**
- 34 **seven hundred thousand (700,000); or**
- 35 **(2) more than two hundred fifty thousand (250,000) but less**
- 36 **than two hundred seventy thousand (270,000).**
- 37 **(c) Effective for the second general election after the ordinance**
- 38 **or local public question under IC 36-2-2.4 or IC 36-2-2.6 is**
- 39 **approved, the county fiscal body shall by ordinance divide the**
- 40 **county into seven (7) contiguous, single-member districts that**
- 41 **comply with subsection (d). One (1) member of the fiscal body shall**
- 42 **be elected by the voters of each of the seven (7) districts.**

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1           **(d) Single-member districts established under subsection (c)**  
 2 **must:**

3           **(1) be compact, subject only to natural boundary lines (such**  
 4 **as railroads, major highways, rivers, creeks, parks, and major**  
 5 **industrial complexes);**

6           **(2) not cross precinct boundary lines;**

7           **(3) contain, as nearly as possible, equal population;**

8           **(4) include whole townships, except when a division is clearly**  
 9 **necessary to accomplish redistricting under this section;**

10           **(5) consider how communities of interest within the county**  
 11 **can best be represented; and**

12           **(6) draw the districts to provide at least one (1) representative**  
 13 **to each distinct community of interest to the extent**  
 14 **practicable and not inconsistent with other applicable law.**

15           **(e) A division under subsection (c) shall be made:**

16           **(1) effective for the second general election after the**  
 17 **ordinance or local public question under IC 36-2-2.4 or**  
 18 **IC 36-2-2.6 is approved; and**

19           **(2) whenever the county executive adopts an order declaring**  
 20 **a county boundary to be changed under IC 36-2-1-2.**

21           **(f) After a division is initially made under subsection (c),**  
 22 **another division may be made in any odd-numbered year not**  
 23 **described in subsection (e).**

24           SECTION 21. IC 36-2-3.5-1 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a) Except as**  
 26 **provided in subsection (b), this chapter applies to:**

27           (1) a county having a population of:

28           (A) more than four hundred thousand (400,000) but less than  
 29           seven hundred thousand (700,000); or

30           (B) more than two hundred thousand (200,000) but less than  
 31           three hundred thousand (300,000); and

32           (2) any other county not having a consolidated city, if both the  
 33           county executive and the county fiscal body adopt identical  
 34           ordinances providing for the county to be governed by this  
 35           chapter beginning on a specified effective date.

36           **(b) Except as provided in section 6(c) of this chapter, this**  
 37 **chapter does not apply to a county during any period in which a**  
 38 **single county commissioner elected under IC 36-2-2.5 is holding**  
 39 **office.**

40           SECTION 22. IC 36-2-3.5-6 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A court may  
 42 issue an order, before final hearing, to stay an election if there is

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1 sufficient evidence to withstand a motion for summary judgment that  
 2 the county has not been divided into districts that comply with  
 3 IC 36-2-2-4 or IC 36-2-3-4. A preliminary hearing on the question may  
 4 be held upon the court's own motion.

5 (b) Final judgment on the merits in such a case shall be made within  
 6 thirty (30) days of the stay of election order. If the redistricting is found  
 7 not to be in compliance with law, the court shall retain jurisdiction and  
 8 shall order the proper officials to submit within thirty (30) days a  
 9 redistricting plan complying with law. If the proper officials fail to  
 10 comply with the order, the court shall order the Indiana election  
 11 commission to divide the county into districts in compliance with law.

12 **(c) If this chapter applied to a county at the time the first single**  
 13 **county commissioner is elected under IC 36-2-2.5, this section**  
 14 **continues to apply to the county after the election of the single**  
 15 **county commissioner.**

16 SECTION 23. IC 36-2-3.7 IS ADDED TO THE INDIANA CODE  
 17 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 18 UPON PASSAGE]:

19 **Chapter 3.7. County Council as the County Legislative Body**

20 **Sec. 1. Except as specifically provided by law, this chapter**  
 21 **applies to each county:**

- 22 (1) that does not have a consolidated city; and  
 23 (2) in which:

- 24 (A) an ordinance under IC 36-2-2.4 making the county  
 25 executive a single county commissioner has been approved  
 26 by a unanimous vote of the entire membership of the  
 27 county executive; or  
 28 (B) a local public question under IC 36-2-2.4 or IC 36-2-2.6  
 29 making the county executive a single county commissioner  
 30 has been approved by the voters of the county.

31 **Sec. 2. As used in this chapter, "single county commissioner"**  
 32 **means the single county commissioner elected under IC 3-10-2-13.**

33 **Sec. 3. (a) In a county to which this chapter applies:**

- 34 (1) the voters of the county shall continue to elect members of  
 35 the county council;  
 36 (2) beginning on January 1 following the year in which the  
 37 first single county commissioner is elected:  
 38 (A) the executive and legislative powers of the county are  
 39 divided between separate branches of county government,  
 40 and a power belonging to one (1) branch of county  
 41 government may not be exercised by the other branch of  
 42 county government;

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- 1           **(B) the county council is the county legislative body as well**  
 2           **as the county fiscal body; and**  
 3           **(C) the single county commissioner is the county executive**  
 4           **of the county and has the executive and administrative**  
 5           **powers and duties of the county as provided in IC 36-2-2.5;**  
 6           **and**  
 7           **(3) except as provided in IC 36-2-3-4.1(b), the county council**  
 8           **shall divide the county into seven (7) single-member county**  
 9           **council districts.**
- 10           **(b) This subsection does not apply to a county described in**  
 11           **IC 36-2-3-4.1(b). The following apply in a county to which this**  
 12           **chapter applies:**
- 13           **(1) Seven (7) county council members shall be elected at the**  
 14           **second general election after the ordinance or local public**  
 15           **question under IC 36-2-2.4 or IC 36-2-2.6 is approved.**  
 16           **(2) The terms of all county council members serving at the**  
 17           **time of the second general election after the ordinance or local**  
 18           **public question under IC 36-2-2.4 or IC 36-2-2.6 is approved**  
 19           **expire January 1 following the election.**  
 20           **(3) Notwithstanding any other law, to provide for staggered**  
 21           **terms of the members of the county council, the county**  
 22           **council may, before the primary election preceding the**  
 23           **general election described in subdivision (1), adopt an**  
 24           **ordinance specifying which of the seven (7) members of the**  
 25           **county council shall serve an initial term of two (2) years**  
 26           **rather than four (4) years.**
- 27           **Sec. 4. (a) All powers and duties of the county that are legislative**  
 28           **in nature, including any power of appointment related to legislative**  
 29           **functions, shall be exercised or performed by the county council**  
 30           **functioning as the county legislative body.**
- 31           **(b) The county council has the same legislative powers and**  
 32           **duties that the board of county commissioners in the county had**  
 33           **before the board of county commissioners was abolished.**
- 34           **(c) For purposes of a county subject to this chapter, after**  
 35           **December 31 of the year in which the first single county**  
 36           **commissioner is elected, any reference in:**
- 37           **(1) the Indiana Code;**  
 38           **(2) the Indiana Administrative Code;**  
 39           **(3) an ordinance or resolution; or**  
 40           **(4) any deed, lease, contract, or other official document or**  
 41           **instrument;**  
 42           **to the board of commissioners pertaining to the legislative powers**

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1 of a county shall be considered a reference to the county council of  
2 the county.

3 (d) For purposes of a county subject to this chapter, after  
4 December 31 of the year in which the first single county  
5 commissioner is elected, any reference in:

- 6 (1) the Indiana Code;
- 7 (2) the Indiana Administrative Code;
- 8 (3) an ordinance or resolution; or
- 9 (4) any deed, lease, contract, or other official document or  
10 instrument;

11 related to the legislative powers and duties of the board of county  
12 commissioners shall be considered a reference to the powers and  
13 duties of the county council of the county.

14 **Sec. 5. The county council may do any of the following:**

- 15 (1) Establish committees that are necessary to carry out the  
16 county council's functions.
- 17 (2) Employ legal and administrative personnel necessary to  
18 carry out the county council's functions.
- 19 (3) Pass all ordinances, orders, resolutions, and motions for  
20 the government of the county, in the manner prescribed by  
21 IC 36-2-4.
- 22 (4) Receive gifts, bequests, and grants from public or private  
23 sources.
- 24 (5) Conduct investigations into the conduct of county business  
25 for the purpose of correcting deficiencies and ensuring  
26 adherence to law and county ordinances and policies.
- 27 (6) Establish, by ordinance, new county departments,  
28 divisions, or agencies whenever necessary to promote efficient  
29 county government.

30 SECTION 24. IC 36-2-4-8, AS AMENDED BY P.L.159-2011,  
31 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 UPON PASSAGE]: Sec. 8. (a) An ordinance, order, or resolution is  
33 considered adopted when it is signed by the presiding officer. If  
34 required, an adopted ordinance, order, or resolution must be  
35 promulgated or published according to statute before it takes effect.

36 (b) An ordinance prescribing a penalty or forfeiture for a violation  
37 must, before it takes effect, be published once each week for two (2)  
38 consecutive weeks, according to IC 5-3-1. However, if such an  
39 ordinance is adopted by the legislative body of a county subject to  
40 **IC 36-2-2.5 or IC 36-2-3.5** and there is an urgent necessity requiring  
41 its immediate effectiveness, it need not be published if:

- 42 (1) the county executive proclaims the urgent necessity; and

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- 1 (2) copies of the ordinance are posted in three (3) public places in
- 2 each of the districts of the county before it takes effect.
- 3 (c) The following apply in addition to the other requirements of this
- 4 section:
- 5 (1) An ordinance or resolution passed by the legislative body of
- 6 a county subject to **IC 36-2-2.5 or IC 36-2-3.5** is considered
- 7 adopted only if it is:
- 8 (A) approved by signature of a majority of the county
- 9 executive **(in the case of a county subject to IC 36-2-3.5) or**
- 10 **by signature of the single county commissioner (in the case**
- 11 **of a county subject to IC 36-2-2.5);**
- 12 (B) neither approved nor vetoed by a majority of the executive
- 13 **(in the case of a county subject to IC 36-2-3.5) or by the**
- 14 **single county commissioner (in the case of a county subject**
- 15 **to IC 36-2-2.5),** within ten (10) days after passage by the
- 16 legislative body; or
- 17 (C) passed over the veto of the executive by a two-thirds (2/3)
- 18 vote of the legislative body, within sixty (60) days after
- 19 presentation of the ordinance or resolution to the executive.
- 20 (2) Subject to subsection (g), the legislative body of a county
- 21 shall:
- 22 (A) subject to subdivision (3), give written notice to the
- 23 department of environmental management not later than sixty
- 24 (60) days before amendment or repeal of an environmental
- 25 restrictive ordinance; and
- 26 (B) give written notice to the department of environmental
- 27 management not later than thirty (30) days after passage,
- 28 amendment, or repeal of an environmental restrictive
- 29 ordinance.
- 30 (3) Upon written request by the legislative body, the department
- 31 of environmental management may waive the notice requirement
- 32 of subdivision (2)(A).
- 33 (4) An environmental restrictive ordinance passed or amended
- 34 after 2009 by the legislative body must state the notice
- 35 requirements of subdivision (2).
- 36 (5) The failure of an environmental restrictive ordinance to
- 37 comply with subdivision (4) does not void the ordinance.
- 38 (d) After an ordinance or resolution passed by the legislative body
- 39 of a county subject to **IC 36-2-2.5 or IC 36-2-3.5** has been signed by
- 40 the presiding officer, the county auditor shall present it to the county
- 41 executive, and record the time of the presentation. Within ten (10) days
- 42 after an ordinance or resolution is presented to it, the executive shall:

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1 (1) approve the ordinance or resolution, by signature of a majority  
 2 of the executive **(in the case of a county subject to IC 36-2-3.5)**  
 3 **or by signature of the single county commissioner (in the case**  
 4 **of a county subject to IC 36-2-2.5),** and send the legislative body  
 5 a message announcing its approval; or

6 (2) veto the ordinance or resolution, by returning it to the  
 7 legislative body with a message announcing its veto and stating  
 8 its reasons for the veto.

9 (e) This section (other than subsection (c)(2)) does not apply to a  
 10 zoning ordinance or amendment to a zoning ordinance, or a resolution  
 11 approving a comprehensive plan, that is adopted under IC 36-7.

12 (f) An ordinance increasing a building permit fee on new  
 13 development must:

14 (1) be published:

15 (A) one (1) time in accordance with IC 5-3-1; and

16 (B) not later than thirty (30) days after the ordinance is  
 17 adopted by the legislative body in accordance with IC 5-3-1;  
 18 and

19 (2) delay the implementation of the fee increase for ninety (90)  
 20 days after the date the ordinance is published under subdivision  
 21 (1).

22 (g) The notice requirements of subsection (c)(2) apply only if the  
 23 municipal corporation received under IC 13-25-5-8.5(f) written notice  
 24 that the department is relying on the environmental restrictive  
 25 ordinance referred to in subsection (c)(2) as part of a risk based  
 26 remediation proposal:

27 (1) approved by the department; and

28 (2) conducted under IC 13-22, IC 13-23, IC 13-24, IC 13-25-4, or  
 29 IC 13-25-5.

30 SECTION 25. IC 36-2-7-19, AS ADDED BY P.L.45-2010,  
 31 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 UPON PASSAGE]: Sec. 19. (a) As used in this section, "fund" refers  
 33 to a county elected officials training fund established under subsection  
 34 (b).

35 (b) Each county legislative body shall before July 1, 2011, establish  
 36 a county elected officials training fund. The county fiscal body shall  
 37 appropriate money from the fund.

38 (c) The fund consists of money deposited under IC 36-2-7.5-6(c)(3)  
 39 and any other sources required or permitted by law. Money in the fund  
 40 does not revert to the county general fund.

41 (d) Money in the fund shall be used solely to provide training of  
 42 county elected officials required by IC 36-2-11-2.5, IC 36-2-12-2.5,

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1 **IC 36-2-2.5-23**, and other similar laws.

2 SECTION 26. IC 36-5-1-20 IS AMENDED TO READ AS

3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) This section

4 does not apply to a town described by IC 36-5-1-11.5.

5 (b) A town subject to this chapter may be dissolved if the county

6 election board of the county in which the greatest percentage of

7 population of the town is located conducts a public hearing and finds

8 that the town has not elected town officers or had a functioning town

9 government during the preceding ten (10) years.

10 (c) The county election board shall certify the board's findings to the

11 county executive, who may adopt an ordinance or (in a county subject

12 to **IC 36-2-2.5** or IC 36-2-3.5) issue an order to dissolve the town.

13 SECTION 27. IC 36-9-13-2 IS AMENDED TO READ AS

14 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. For purposes of this

15 chapter, the following are considered the governing bodies of their

16 respective eligible entities:

17 (1) Board of commissioners, for a county not subject to

18 **IC 36-2-2.5**, IC 36-2-3.5 or IC 36-3-1.

19 (2) County council, for a county subject to **IC 36-2-2.5** or

20 IC 36-2-3.5.

21 (3) City-county council, for a consolidated city or county having

22 a consolidated city.

23 (4) Common council, for a city other than a consolidated city.

24 (5) Town council, for a town.

25 (6) Trustee and township board, for a civil or school township.

26 (7) Board of school trustees, board of school commissioners, or

27 school board, for a school corporation.

28 (8) Board of trustees, for a health and hospital corporation.

29 SECTION 28. IC 36-9-27-5 IS AMENDED TO READ AS

30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except in a

31 county having a consolidated city **or as provided in subsection (d)**,

32 the drainage board consists of either:

33 (1) the county executive; or

34 (2) three (3) or five (5) persons, at least one (1) of whom must be

35 a member of the executive, appointed by the executive;

36 at the option of the executive. Appointees under subdivision (2) must

37 be resident freeholders of the county who are knowledgeable in

38 drainage matters. Freeholders appointed to the board serve for terms of

39 three (3) years, with their initial appointments made so as to provide for

40 staggering of terms on an annual basis. In addition, the county surveyor

41 serves on the board as an ex officio, nonvoting member.

42 (b) In a county having a consolidated city, the board of public works

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1 of the consolidated city comprises the drainage board, subject to  
 2 IC 36-3-4-23.  
 3 (c) In a county having a consolidated city, the department of public  
 4 works of the consolidated city has all the powers, duties, and  
 5 responsibilities of the county surveyor under this chapter, subject to  
 6 IC 36-3-4-23.  
 7 **(d) In a county that is subject to IC 36-2-2.5:**  
 8 **(1) the drainage board consists of three (3) persons appointed**  
 9 **by the county council;**  
 10 **(2) appointees under this subsection must be resident**  
 11 **freeholders of the county who are knowledgeable in drainage**  
 12 **matters;**  
 13 **(3) the freeholders appointed to the drainage board serve for**  
 14 **terms of three (3) years, with the freeholders' initial**  
 15 **appointments made so as to provide for staggering of terms**  
 16 **on an annual basis;**  
 17 **(4) the county surveyor serves on the drainage board as an ex**  
 18 **officio, nonvoting member; and**  
 19 **(5) the terms of persons serving on the drainage board at the**  
 20 **time the first single county commissioner is elected under**  
 21 **IC 36-2-2.5 expire on January 1 of the year following that**  
 22 **election, and the county council shall make the appointments**  
 23 **to the board as provided in this subsection.**  
 24 SECTION 29. An emergency is declared for this act.

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